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BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025			BASEHOAR, ADAM L	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary

Application No.

09/803,530

Applicant(s)

GRYSKIEWICZ, PAUL S.

Examiner

Adam L. Basehoar

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-29 and 31-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-29, and 31-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: The RCE filed 07/20/05.
2. Claim 30 has been cancelled by Amendment.
3. Claims 33-36 have been added by Amendment.
4. The rejection of claims 1-8, 10-14, and 16 under 35 U.S.C. 102(b) as being anticipated by Elliott et al (US: 5,572,649 11/05/96) have been withdrawn as necessitated by the Amendment.
5. Claims 1-11, 13-29, 31-36 are pending in this case. Claims 1, 10, 17, 23, 26, and 29 are independent claims.

Claim Objections

6. Claims 12 and 32 are objected to because of the following informalities: Claims 12 and 32 use the improper status identifiers "Previously Cancelled" and "Previously Added".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 17, 23, and 33-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2178

9. The term "around" in claims 17, 23, and 33-35 is a relative term which renders the claim indefinite. The term "around" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-11, 13-29, and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott et al (US: 5,572,649 11/05/96)(Hereafter Elliott) in view of Microsoft's, Microsoft Word 2000, 12/31/99, pp. 1-15.

-In regard to independent claims 1 & 10, Elliott teaches an apparatus and method comprising:

a computer interface to receive video (Figs. 3 & 8: 85)(column 2, lines 32-36);

a controller (equivalent to the user utilizing the electronic conferencing application window)(Fig. 6: 92) to display a local video object (Fig. 8: 205) and the remote video (Fig. 8: 200) within a text object (Fig. 8); and

wherein the user can adjust the position of the local video object (Fig. 8: 205) in response to displaying the remote video (Fig. 8: 205)(column 8, lines 48-51), wherein to adjust the

Art Unit: 2178

position of the of the at least one object arranges the at least one object in a manner so that both video and the at least one object are prevented from having an impeded view (Fig. 8: 205 & 200: i.e. both videos/objects are arranged so that their views are not impeded).

Elliott further teaches wherein the video objects in the word processor application can be moved (column 8, lines 49-51) and resized (column 9, lines 2-12). Elliott does not specifically teach wherein the text and the video in the display window were both able to be positioned to be both viewable without obstruction. Word 2000 teaches displaying a video (Word 2000: pp. 11-13: "Motion Clips") in a text document (Word 2000: pp. 10) such that the video and text are displayed so both are viewable without obstruction after adjusting the text object (Word 2000: pp. 14). It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text so that both the video and text were not obstructed, because Word 2000 teaches that by adjusting the text, all relevant text was always available to be viewed and thus no essential information would be covered.

-In regard to dependent claim 2, Elliott teaches wherein the controller (user) can adjust the position of said local video (i.e. images) object (Fig. 8: 205) in response to displaying the remote video (Fig. 8: 205)(column 8, lines 48-51).

-In regard to dependent claims 3 and 13-14, Elliott teaches wherein the controller (user) can adjust the position of the local video object (Fig. 8: 205) in response to adjusting the location or size (column 9, lines 2-12) of the remote video (Fig. 8: 205)(column 8, lines 48-51).

-In regard to dependent claim 4, Elliott teaches wherein the controller allows the remote video to be displayed (Fig. 8: 200) while the contents of the local video object are updated (Fig. 8: 205)(i.e. Both real-time videos are shown changing at the same time).

-In regard to dependent claim 5, Elliott teaches wherein the controller displays the video (Fig. 8: 200 & 205) in a window of a word processor application (column 7, lines 50-51)(Fig. 8: 88).

-In regard to dependent claims 6 and 16 Elliott teaches wherein the interface receives the video over a wireless network (columns 5 & 6, lines 66-67 & 1-5)(Fig. 3).

-In regard to dependent claim 7, Elliott teaches wherein the interface comprises a disk drive (Fig. 1: 20).

-In regard to dependent claim 8, Elliott teaches wherein the interface receives the video over a network (columns 5 & 6, lines 66-67 & 1-5)(Fig. 3).

-In regard to dependent claim 11, Elliott teaches wherein displaying the object comprises displaying the local video (i.e. images) (Fig. 8: 205) on the display (Fig. 8: 85).

-In regard to dependent claim 9, Elliott teaches wherein the interface receives the video over a plurality of communication means including local area network, fiber optic link, and satellite link (columns 5 & 6, lines 66-67 & 1-2). Elliott does not specifically teach wherein the communications means was a universal serial bus. It would have been obvious to one of ordinary skill in the art at the time of the invention, for the communication means of Elliott to have been an universal serial bus, because it was notoriously well known in the art at the time of the invention that universal serial buses provided a simple high bandwidth connection with the ability to automatically add and configure new devices and the ability to add such devices without having to shut down and restart the system.

-In regard to dependent claim 15, Elliot teaches a disk drive as part of the computing system (Fig. 1: 20)(column 4, lines 57-65). Elliot does not teach wherein the video was stored and received from a disk drive. It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have stored the video on the local or remote (column 5, lines 49-52) disk drive and retrieved that video when necessary to be shown on said display, because disk drives were notoriously well known in the art to maintain a high storage capacity which said video would need as well as provided fast access time and increased portability across multiple computers connected to the network.

-In regard to independent claim 17, Elliot teaches a computer readable medium containing instructions executed by a processor to:

display a video (Fig. 8: 200 & 205) in a window (Fig. 8: 85);

display text in the window (Fig. 8: 88); and

wherein the text is displayed in a manner that allows both the text and the video to be viewable in the window (Fig. 8).

Elliott further teaches wherein the video objects in the word processor application can be moved (column 8, lines 49-51) and resized (column 9, lines 2-12). Elliott does not specifically teach wherein the text and the video in the display window were both able to be positioned to be both viewable without obstruction wherein if the text was not viewed in its entirety in the window, enabling scrolling of the window to view remaining portions of the text and wherein the text was scrolled arranging the remaining portions of the text around the video. Word 2000 teaches displaying a video (Word 2000: pp. 11-13: "Motion Clips") in a text document (Word 2000: pp. 10) such that the video and text are displayed so both are viewable without obstruction (Word 2000: pp. 14). Word 2000 also teaches enabling scrolling of the window (Word 2000: pp. 3: Scroll Bar) wherein the scroll bar could be used to view the remaining portions of the text currently not viewable, and wherein the remaining portions of the text were arranged around (i.e. displayed on the same page) the video. It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text so that both the video and text were not obstructed and to enable scrolling of the window when the text was not viewable in its entirety, because Word 2000 teaches that by adjusting the text, all relevant text was always available to be viewed and thus no essential information would be covered.

-In regard to dependent claim 18, Elliot teach wherein the computer readable medium has application to any window-based graphic user interface display system (column 6, lines 5-7) over

Art Unit: 2178

an electronic network (columns 5 & 6, lines 66-67 & 1-2). Elliot does not specifically teach wherein the video was displayed in a window of an Internet browsing application. It would have been obvious to one of ordinary skill in the art at the time of the invention for the application of Elliot to have been an Internet browsing application, because Internet browsers (e.g. Netscape, Internet Explorer, etc.) were notoriously well known in the art to be windows-based graphical user interfaces for conducting business over long distances over a network, which was the preferred embodiment of Elliot (column 6, lines 3-5), and would have provided the application of Elliot a larger scaled network as provided by the Internet.

-In regard to dependent claims 19, Elliott teaches wherein the controller displays the video (Fig. 8: 200 & 205) in a window of a word processor application (column 7, lines 50-51)(Fig. 8: 88).

-In regard to dependent claims 20 and 21, Elliot teaches wherein the video objects in the word processor application can be moved (column 8, lines 49-51) and resized (column 9, lines 2-12). Elliot does not teach adjusting the text in the word processor (Fig. 8) in response to moving and resizing the video objects. Word 2000 teaches wherein moving (Word 2000: Pages 6-7: notice object movement) or resizing (Word 2000: Pages 8-9: notice object resizing) viewable objects in a word processor application result in adjusting the text (Word 2000: Pages 6-7 & 8-9: notice adjusted text) in response to said movements. It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text in response to the movement of the video objects, because Word 2000 teaches that by adjusting the text, all

Art Unit: 2178

relevant text was always available to be viewed and thus no essential information would be covered.

-In regard to dependent claim 22, Elliott teaches wherein the interface receives the video over a wireless network (columns 5 & 6, lines 66-67 & 1-5)(Fig. 3).

-In regard to independent claim 23, Elliot teach a method for:

displaying text in a window of a software application on a computer (column 6, lines 50-51)(Fig. 8);

displaying video (Fig. 8: 205 'local video' & 200 'remote video') in the window of the software application within the text object (Fig. 8);

Elliot does not teach adjusting the text, in response to displaying the video objects in the window, in the manner that both the text and video do not have an impeded view wherein if the text was not viewed in its entirety in the window, enabling scrolling of the window to view remaining portions of the text and wherein the text was scrolled arranging the remaining portions of the text around the video. Word 2000 teaches displaying a video (Word 2000: pp. 11-13: "Motion Clips") in a text document (Word 2000: pp. 10) such that the video and text are displayed so both are viewable without obstruction after adjusting the text object (Word 2000: pp. 14). Word 2000 also teaches enabling scrolling of the window (Word 2000: pp. 3: Scroll Bar) wherein the scroll bar could be used to view the remaining portions of the text currently not viewable, and wherein the remaining portions of the text were arranged around (i.e. displayed on the same page) the video. It would have been obvious to one of ordinary skill in the art at the

Art Unit: 2178

time of the invention for Elliot to have adjusted the text so that both the video and text were not obstructed and to enable scrolling of the window when the text was not viewable in its entirety, because Word 2000 teaches that by adjusting the text, all relevant text was always available to be viewed and thus no essential information would be covered.

-In regard to dependent claim 24, Elliot teaches displaying the local video (i.e. images) object (Fig. 8: 205) with the text and the remote video (Fig. 8: 205) in the word processor application, wherein all three are substantially simultaneously viewable (Fig. 8).

-In regard to dependent claim 25, Elliot teaches wherein the video objects in the word processor application can be moved (column 8, lines 49-51) and resized (column 9, lines 2-12). Elliot does not specifically teach adjusting the text in the word processor (Fig. 8) in response to moving or resizing the video objects to prevent the text and video to have an impeded view. Word 2000 teaches wherein moving (Word 2000: Pages 6-7: notice object movement) or resizing (Word 2000: Pages 8-9: notice object resizing) viewable objects in a word processor application result in adjusting the text (Word 2000: Pages 6-7 & 8-9: notice adjusted text) in response to said movements. It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text in response to the movement of the video objects, because Word 2000 teaches that by adjusting the text, all relevant text was always available to be viewed and thus no essential information would be covered.

-In regard to independent claim 26, Elliot teach an apparatus comprising:

Art Unit: 2178

an interface to receive a video signal (Figs. 3 & 8: 85)(column 2, lines 32-36);

a controller to:

display an application having text (Fig. 8);

display the video signal in a video portion of the application (Fig.

8: 200 & 205); and

allowing both the text and the video to be viewed substantially simultaneously (Fig. 8).

Elliot also teaches wherein the apparatus has application to any window-based graphic user interface display system (column 6, lines 5-7) over an electronic network (columns 5 & 6, lines 66-67 & 1-2). Elliot does not specifically teach wherein the video was displayed in a window of an Internet browsing application. It would have been obvious to one of ordinary skill in the art at the time of the invention for the application of Elliot to have been an Internet browsing application, because Internet browsers (e.g. Netscape, Internet Explorer, etc.) were notoriously well known in the art to be windows-based graphical user interfaces for conducting business over long distances over a network, which was the preferred embodiment of Elliot (column 6, lines 3-5), and would have provided the application of Elliot a larger scaled network as provided by the Internet.

Elliott further teaches wherein the video objects in the word processor application can be moved (column 8, lines 49-51) and resized (column 9, lines 2-12). Elliott does not specifically teach wherein the text and the video in the display window were both able to be positioned to be both viewable without obstruction. Word 2000 teaches displaying a video (Word 2000: pp. 11-13: "Motion Clips") in a text document (Word 2000: pp. 10) such that the video and text are

Art Unit: 2178

displayed so both are viewable without obstruction after adjusting the text object (Word 2000: pp. 14). It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text so that both the video and text were not obstructed, because Word 2000 teaches that by adjusting the text, all relevant text was always available to be viewed and thus no essential information would be covered.

-In regard to dependent claims 27 and 28, Elliot teach wherein the apparatus allows moving (column 8, lines 49-51) and re-sizing (column 9, lines 2-12) the video portion in the application. Elliot does not teach adjusting the text in the application in response moving or re-sizing the video objects. Word 2000 teaches wherein moving (Word 2000: Pages 6-7: notice object movement) or resizing (Word 2000: Pages 8-9: notice object resizing) viewable objects in a word processor application result in adjusting the text (Word 2000: Pages 6-7 & 8-9: notice adjusted text) in response to said movements. It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text in response to the movement of the video objects, because Word 2000 teaches that by adjusting the text, all relevant text was always available to be viewed and thus no essential information would be covered.

-In regard to independent claim 29, Elliot teaches an article comprising a machine readable storage medium enabling a processor to:

display a first object (text) in a window (Fig. 8);

display a second object (video window) in a window within the text (Fig. 8: 200 & 205).

Elliot does not teach wherein scrolling the first object in the window around the second object in the window in response to enabling scrolling to prevent an obstructed view for both objects. Word 2000 teaches enabling scrolling (Word 2000: Pages 4-5) of a first object (text), wherein after enabling scrolling the first object (text) scrolls around the second object (viewable object)(Word 2000: Page 3: Pre-Scroll & Page 6: Post Scroll). It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text in response to enabling scrolling around the video objects, because Word 2000 teaches that by scrolling the text, the displayed objects obtain a better look & feel based on the flowing text around the viewable object as well as making sure all of the relevant text of Elliot would always available to be viewed and thus no essential information would be covered.

-In regard to dependent claims 31 and 32, Elliot teaches wherein the object comprise text (Figs. 6 & 8).

-In regard to dependent claims 33-36, Elliot does not teach adjusting the text, in response to displaying the video objects in the window, in the manner that both the text and video do not have an impeded view wherein if the text was not viewed in its entirety in the window, enabling scrolling of the window to view remaining portions of the text and wherein the text was scrolled arranging the remaining portions of the text around the video Word 2000 teaches displaying a video (Word 2000: pp. 11-13: "Motion Clips") in a text document (Word 2000: pp. 10) such that the video and text are displayed so both are viewable without obstruction after adjusting the text object (Word 2000: pp. 14). Word 2000 also teaches enabling scrolling of the window (Word

Art Unit: 2178

2000: pp. 3: Scroll Bar) wherein the scroll bar could be used to view the remaining portions of the text currently not viewable, and wherein the remaining portions of the text were arranged around (i.e. displayed on the same page) the video. It would have been obvious to one of ordinary skill in the art at the time of the invention for Elliot to have adjusted the text so that both the video and text were not obstructed and to enable scrolling of the window when the text was not viewable in its entirety, because Word 2000 teaches that by adjusting the text, all relevant text was always available to be viewed and thus no essential information would be covered.

Response to Arguments

12. Applicant's arguments filed 07/20/05 have been fully considered but they are not persuasive.

-In regard to the rejection of claims 1-8, 10-11, 13-14, and 16 under 35 U.S.C. 102(b), the Applicant argues that Elliot does not teach displaying the video within an area of at least one object; and adjust a position of the at least one object in response to displaying the video, and arranging the at least one object in a manner so that both the video and the at least one object are prevented from having an impeded view. The Examiner agrees with the Applicant that the Elliot reference does not teach the amended feature requiring to display the video within an area of the at least one object. Previously Elliot had been relied upon wherein the at least one object was another video object and thus could be displayed together without an impeded view. However the Examiner now believes the Elliot reference in view of the Microsoft Word 2000 reference teach limitations of the claims.

-In regard to the rejection of claims 17-32 under 35 U.S.C. 103(a), the Applicant argues that Word 2000 teaches a still object and not a streaming object (i.e. video). The Examiner notes that the Word 2000 reference has been relied upon to teach adjusting the at least one text object around a second object so that both objects do not have an impeded view. The Elliot reference already teaches the limitation of a streaming video object. Regardless, the Examiner also notes that the Word 2000 reference teaches wherein the object could be a motion picture object which is considered to meet the limitation of "video." Applicant also argues that neither Elliot or Word 2000 teach or suggest the amended features of "wherein the text is not viewed in its entirety in the window, the processor to enable scrolling of the window to view remaining portions of the text, wherein the text is scrolled, the processor to arrange the remaining portions of the text around the video. Again the Examiner respectfully disagrees with the Applicant. The Word 2000 reference clearly teaches adding the functionality of a scroll bar to view text that does not entirely fit in the display window (Word 2000: pp. 3). When used to scroll to see the remaining portions of the text, the remaining portions of the text are clearly arranged around the video. As noted above in the rejection under 35 U.S.C. 112, second paragraph, the term "around" has been considered indefinite.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-5,845,303

12-1998

Templeman, Michael

US-5,214,755

05-1993

Mason, Christopher

Art Unit: 2178

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121. The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER

9/28/2005